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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Case No. 03-910)

In the Application of:

Brauer, et al.

Serial No.: 10/700,165

Filing Date: November 3, 2003

For: Headache Rack for Pickup Trucks

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) Examiner: Patricia L. Engle
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) Group Art Unit: 3676
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Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

In regard to the above identified application,

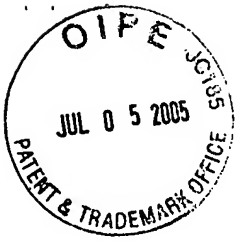
1. We are transmitting herewith the attached:
 - a) Transmittal Letter in Duplicate;
 - b) Comments on Statement of Reasons for Allowance; and
 - c) Return Receipt Postcard.
2. GENERAL AUTHORIZATION: Please charge any additional fees or credit over-payments to the Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2005.

Respectfully submitted,

Anthoula Pomrening

Anthoula Pomrening
Registration No. 38,805

Date: June 30, 2005



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(CASE NO. MBHB 03-910)

In re Application of:

Brauer, et al.

Serial No.: 10/700,165

Filed: November 3, 2003

Title: Headache Rack for Pickup Trucks

Group Art Unit: 3676

Examiner: Patricia L. Engle

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Responsive to the Notice of Allowance mailed May 6, 2005, Applicants express appreciation for the allowance of the present application. Applicants note the Examiner's reasons for allowance, but further comment that the art of record, alone and in combination, fails to show, teach or suggest the entirety of each combination of structure recited by each of the allowed claims of the present invention.

Applicants respectfully submit that the reasons for allowance are only warranted in instances in which the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims. In light of the original disclosure, previous Office

Actions and responses, however, Applicants believe that the record as a whole does make the reasons for allowance clear. Moreover, Applicants contend that the Statement of Reasons for Allowance in this case is inaccurate with respect to independent claim 8. Specifically, claim 8 does not include at least two bar members extending horizontally across the lower frame section, as set forth in the Reasons for Allowance.

While Applicants believe that the claims are allowable, Applicants do not acquiesce that patentability resides in the features, as explicitly set forth in the claims, nor that each feature is required for patentability.

Respectfully submitted,

Date: June 30, 2005

By: _____

Anthoula Pomrening

Anthoula Pomrening
Reg. No. 38,805